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June 10, 2021

***Via ECF***

The Honorable R. Barclay Surrick  
United States Courthouse  
601 Market Street, Room 8614  
Philadelphia, PA 19106

**Re: *In re Ex Parte Application of Iraq Telecom Ltd. Pursuant to 28 U.S.C. § 1782 for an Order to Take Discovery from Dechert LLP for Use in Foreign Proceedings, No. 19-mc-00175 RBS (E.D. Pa.)***

Dear Judge Surrick:

This responds to Iraq Telecom's June 9, 2021 letter to Your Honor (ECF 38). Messrs. Youssef and Succar respectfully request that the letter be stricken.

First, although couched in terms of a scheduling request, Iraq Telecom's letter is actually an impermissible attempt to advance Iraq Telecom's litigation position. In addition to introducing further legal arguments, the letter contains false accusations and innuendo. Messrs. Youssef and Succar should not be subjected to such tactics nor should Iraq Telecom be permitted to raise new arguments, particularly after opposing Messrs. Youssef and Succar's request for leave to file a surreply.

Second, in its hurry to advance its agenda, Iraq Telecom neglects to advise the Court that Messrs. Youssef and Succar's request to file a surreply (ECF 28) – which Iraq Telecom opposed after Messrs. Youssef and Succar had consented to Iraq Telecom's multiple extensions of the date for its reply – remains pending, so briefing on the motion is not yet complete.

Third, the letter fails to provide the Court with a full picture of the exchanges that preceded this letter, which exchanges I now attach.

Respectfully,

A handwritten signature in blue ink, appearing to read "R. Ebby", written over a horizontal line.

Robert L. Ebby

RLE/ht

Att.

cc: All Counsel of Record (via ECF w/att.)

**Thompson, Hilda I.**

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**From:** Ebby, Robert L.  
**Sent:** Tuesday, June 8, 2021 6:13 PM  
**To:** 'Sandnes, James T.'; Newbold, Arthur  
**Cc:** Kristin Tahler; Katy Akopjan; Ratigan, Ellen  
**Subject:** RE: letter to the court [IWOV-HASP1.FID128722]

Please also note in your letter that I requested that you provide me with a copy of your letter and that you declined to do so. Thx.

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**From:** Sandnes, James T.  
**Sent:** Tuesday, June 8, 2021 6:10 PM  
**To:** Ebby, Robert L. ; Newbold, Arthur  
**Cc:** Kristin Tahler ; Katy Akopjan ; Ratigan, Ellen  
**Subject:** RE: letter to the court [IWOV-HASP1.FID128722]

Bo, we really didn't think that Iraq Telecom requesting expedited treatment is anything you need to confer with your clients on. A non-substantive decision on timing, as you know, is an issue that the rules of ethics place in the discretion of the attorney, not the client. And we are not asking you to waive anything or even to consent.

We are going to send the letter tomorrow morning at 11 AM, regardless of your consent or objection. Frankly I am not sure how you could have any grounds to object (as delay is not a legitimate motive for an attorney's actions), but you are free to do so in your own letter if you so choose. If you hear from your clients overnight, let me know their position before 11. Otherwise, we are happy to say (and will) in our letter that we contacted you and that indicated you need time to confer with your clients before you could take a position as to whether you object to expedited treatment. We will do so unless we hear otherwise before 11 tomorrow.

Regards,

Jim

**James T. Sandnes**

Skarzynski Marick & Black LLP

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**From:** Ebby, Robert L. <[rle@hangle.com](mailto:rle@hangle.com)>  
**Sent:** Tuesday, June 8, 2021 8:55 AM  
**To:** Sandnes, James T. <[jsandnes@skarzynski.com](mailto:jsandnes@skarzynski.com)>; Newbold, Arthur <[arthur.newbold@dechert.com](mailto:arthur.newbold@dechert.com)>  
**Cc:** Kristin Tahler <[kristintahler@quinnemanuel.com](mailto:kristintahler@quinnemanuel.com)>; Katy Akopjan <[katyakopjan@quinnemanuel.com](mailto:katyakopjan@quinnemanuel.com)>; Ratigan, Ellen <[Ellen.Ratigan@dechert.com](mailto:Ellen.Ratigan@dechert.com)>  
**Subject:** RE: letter to the court [IWOV-HASP1.FID128722]

Jim:

Sending me an email at 6:46 a.m. and demanding a response by 4:00 p.m. is not reasonable. As you are aware, my clients are overseas. Please send me a draft of your proposed letter and I will get back to you after consulting with them.

Bo

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**From:** Sandnes, James T. <[jsandnes@skarzynski.com](mailto:jsandnes@skarzynski.com)>

**Sent:** Tuesday, June 8, 2021 6:46 AM

**To:** Newbold, Arthur <[arthur.newbold@dechert.com](mailto:arthur.newbold@dechert.com)>; Ebby, Robert L. <[rle@hangley.com](mailto:rle@hangley.com)>

**Cc:** Kristin Tahler <[kristintahler@quinnemanuel.com](mailto:kristintahler@quinnemanuel.com)>; Katy Akopjan <[katyakopjan@quinnemanuel.com](mailto:katyakopjan@quinnemanuel.com)>; Ratigan, Ellen <[Ellen.Ratigan@dechert.com](mailto:Ellen.Ratigan@dechert.com)>

**Subject:** letter to the court

Bo and Arthur

This email is pursuant to the judge's rules regarding consultation with opposing counsel prior to sending correspondence. We wanted to let you know that we intend to write to the Court requesting that it expedited determination of the pending motion. We will, of course, note your position in the letter in the event you advise whether or not you object to expedited treatment by 4 PM today. Thanks.

Regards,

Jim

**James T. Sandnes**

Partner

Skarzynski Marick & Black LLP

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